

Court Eases Rules on Newsmen in Shaw Hearing

Article IX of Guidelines Is Withdrawn

Rules governing the news media, spectators and witnesses attending the preliminary hear-

ing for Clay L. Shaw on Tuesday have been eased by the Criminal District Court.

On Monday, the court withdrew a provision which would have prevented news media from reporting anything except

that which happened in the courtroom.

Stricken from the guidelines was Article IX, which dealt with release by news media of any transcript of proceedings until

such time as determined by the court.

The full text of the revision order announced by Judge Bernard J. Bagert follows:

It has been brought to the attention of the court that our

LA., TUESDAY MORNING, MARCH 14, 1967

previous order, and particularly Article 8 thereof, may be open to construction as imposing unreasonable burdens on the news media, both mechanically (as in E. G.: the policing of network broadcasts by local stations), and constitutionally.

While we are determined that no proceeding in this court shall be characterized as a "Roman holiday" such as the trial described in *Sheppard v. Maxwell*, 86 S. Ct. 1507, 1519 (1966), we are satisfied that the requirements of justice do not extend as far as Article 8 may suggest. In particular, we realize that the Supreme Court's observation in *Sheppard* that "reporters who wrote or broadcasted prejudicial stories, could have been warned as to the impropriety of published material not introduced in the proceedings" (86 S. Ct. 1522) must be viewed in the context of a trial in progress, in which the jurors were exposed to all printed and broadcast stories about the case. Moreover, the quoted statement cannot be divorced from other pertinent comments in the same case:

"A responsible press has always been regarded as the handmaiden of effective judicial administration, especially in the criminal field. Its function in this regard is documented by an impressive record of service over several centuries. The press does not simply publish information about trials but guards against the miscarriage of justice by subjecting the po-

lice, prosecutors, and judicial processes to extensive public scrutiny and criticism. This court has, therefore, been unwilling to place any direct limitations on the freedom traditionally exercised by the news media . . ." (86 S. Ct. 1515-1516).

We are also influenced by other factors. We cannot isolate the community from reports by national and international news sources; we cannot undo what has already been said by parties to these proceedings, counsel, and others; the very nature of the proceedings makes it impossible to determine when — if ever — they will be brought to a conclusion; and we do not wish to eliminate the positive good that can flow from the actions of responsible reporters and their employers. The burden of preventing the dissemination of prejudicial material properly rests with those persons enumerated in the first sentence of Article 8 of our prior order, and not with the

news media themselves.

ACCORDINGLY, we hereby repeal all but the first sentence of Article 8 of our earlier order, with the admonition that the court will not hesitate to impose such further restraints and sanctions as may be appropriate to insure the orderly conduct of judicial proceedings. Our admonition to other parties remains in force. The foregoing

is prompted in no small measure upon our confidence in the integrity and responsibility of the local news media; should future events demonstrate that our confidence has been misplaced, our further orders will reflect that fact.

We are further persuaded that the provisions of Article 9 of our prior order make no contribution to the ends of the

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orderly administration of justice, and accordingly repeal said article.